THE HON'BLE SRI JUSTICE GODA RAGHURAM

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W.P.NO.708 OF 2006

Between:

B.Prakasam son of Raja Ratnam

…Petitioners

vs.

The S.C. Corporation (West Godavari Scheduled Caste Service Cooperative Society Limited) Eluru and another.

…Respondents.

THE HON'BLE SRI JUSTICE GODA RAGHURAM

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W.P.NO.708 OF 2006

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ORAL ORDER

The writ petition is misconceived. According to the petitioner, the 1st respondent-Corporation entered into an agreement with the petitioner on 01-10-1984 to permit the petitioner to run a business in shop No.1 situated in T.S.No.W.E.A.458 of Eluru Towers near District Court Centre of Eluru. The licence appears to have given for establishing a fancy shop. Apprehending eviction the petitioner filed a suit

unsuccessfully. He appealed, also unsuccessfully. Thereafter he came to this Court in Second Appeal. It is represented that he has obtained an order of *status quo* in the Second Appeal arising out of a suit for injunction. While so, it is the petitioner's grievance, the respondent-Corporation has issued a notification in daily press dated 20-09-2005 *inter alia,* notifying shop No.1 which is in the occupation of the petitioner, for future grant of licence. It is this notification that is the subject matter of the writ petition.

The agreement entered into between the petitioner and the 1st respondent dt.01-10-1994 is not pleaded, urged or established to be a statutory contract. The alleged conduct of the respondent in trying to notify the premises for future licencing is not a conduct arising at the threshold of the contract between the petitioner and the 1st respondent. The dispute between the petitioner and the respondents is thus a non-statutory, post contractual dispute which is not adjudicatable under Article 226 of the Constitution in view of the law declared by the Supreme Court in **Radhakrishna Agarwal Vs. State of Bihar ()**.

The writ petition is accordingly dismissed. No order as to costs.

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GODA RAGHURAM,J

16TH FEBRUARY 2006

*TSNR